

Appl. No. 10/726,134
Amdt. dated March 21, 2006
Reply to Office action of September 21, 2005

REMARKS

The Examiner is firstly thanked for the very helpful interview conducted February 7, 2006, wherein the claims as presented in the application were discussed in light of the prior art cited and relied upon by the Examiner. As indicated on the Examiner Interview Summary, agreement was reached with respect to the claims in question, with the Examiner noting that the claims distinguish the present invention from Abbott if the characteristics of the invention are clarified, wherein a plurality of particles are provided which have at least one receptor attached thereto, with the receptor being capable of binding at least one ligand to form a receptor-ligand complex. As discussed with the Examiner, the prior art of Abbott simply does not show such characteristics, as the Abbott invention is directed to a system wherein a surface or substrate has a self-assembled monolayer attached thereto, and a mesogenic layer anchored to the monolayer. Such a system clearly does not provide in any manner a system according to the present invention, wherein a plurality of particles are disposed within an amount of liquid crystal and material according to the present invention. It is therefore believed that the claims as now clarified clearly and fully distinguish from the prior art, and the claims should be in *prima facie* condition for allowance in conjunction with the agreement reached with the Examiner.

In the Office Action, the Examiner withdrew finality of the prior Office Action, but maintained a double patenting rejection based on the judicially created doctrine of obviousness-type double patenting based upon the further teachings of Holmgren et al. This rejection is respectfully traversed in that the claimed invention as now set forth clearly distinguishes from the '802 patent, with the distinguishing characteristics not being taught by Holmgren in any way. The Examiner suggests that patent '802 fails to teach the substrate made of polymers, and turns to the prior art of Holmgren as using polystyrene microwells coated with a receptor to provide the basis for the deficiencies of the '802 patent. As has now been discussed with the Examiner, and as set forth in the claimed invention, the distinguishing characteristics of the invention go well beyond providing a substrate made of polymers, and the additional teachings of Holmgren simply do not relate to or account for the deficiencies of the '802 patent. It is therefore believed that the rejection based upon double patenting should be withdrawn, and the same is respectfully requested.

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The Examiner also rejected claims 1-6, 8-21 under 35 USC 103 as being unpatentable over Abbott et al. in view of Tarcha et al. As described above, and in relation to the interview conducted with the Examiner, it is clear that the present invention as now claimed distinguishes from the prior art of Abbott, and the additional prior art of Tarcha simply does not account for the deficiencies thereof. Withdrawal of the rejection based upon this prior art is respectfully requested.

The Examiner also rejected claim 7 under 35 USC 103 as being unpatentable over Abbott in view of Tarcha, and further in view of Sahouani et al. For similar reasons as with respect to independent claim 1, claim 7 being dependent upon claim 1, is also believed to be in allowable form, and the further teachings of Sahouani simply do not relate to the invention as claimed. Withdrawal of the rejection is requested.

Based upon the agreement reached with the Examiner at the interview, it is believed that the invention as now claimed clearly distinguishes from the prior art and is in *prima facie* condition for allowance. Favorable action is respectfully requested.

Respectfully submitted,

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